

AMENDED IN SENATE MAY 10, 2010
AMENDED IN SENATE APRIL 15, 2010
AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1224

Introduced by Senator Wright

February 18, 2010

An act to amend, *repeal, and add* Section 41700 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1224, as amended, Wright. Air discharges.

Existing law provides that, except as specified, a person is prohibited from discharging air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause injury or damage to business or property, as provided.

This bill would, *until January 1, 2014*, authorize a local air pollution control district or air quality management district to adopt a rule or regulation, consistent with protecting ~~public health and safety~~ *the public's comfort, repose, health, and safety, and not causing injury, detriment, nuisance, or annoyance*, that ensures district staff and resources are not used to investigate ~~repeated and unsubstantiated complaints, or complaints made in bad faith~~ *determined to be repeated and unsubstantiated*, alleging a *nuisance odor* violation of that discharge prohibition. *If a district adopts such a rule or regulation, the bill would require the district to submit the rule or regulation to the Senate Committee on Environmental Quality and the Assembly Committee on Natural Resources within 30 days of adopting the rule or regulation.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. The Legislature finds and declares that repeated and unsubstantiated, or bad faith, claims of nuisance are not in the public interest, force air pollution control and air quality management districts to waste limited resources on unnecessary investigations, only serve to contribute to the reduction of jobs, and create an unfavorable environment to encourage the development and growth of businesses in California.~~

~~SEC. 2.~~

SECTION 1. Section 41700 of the Health and Safety Code is amended to read:

41700. (a) Except as otherwise provided in Section 41705, a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.

~~(b) A district may adopt a rule or regulation, consistent with protecting public health and safety, that ensures district staff and resources are not used to investigate repeated and unsubstantiated complaints, or complaints made in bad faith, alleging a violation of subdivision (a).~~

(b) (1) A district may adopt a rule or regulation, consistent with protecting the public's comfort, repose, health, and safety, and not causing injury, detriment, nuisance, or annoyance, that ensures district staff and resources are not used to investigate complaints determined to be repeated and unsubstantiated, alleging a nuisance odor violation of subdivision (a).

(2) If a district adopts a rule or regulation pursuant to paragraph (1), the district shall submit the rule or regulation to the Senate Committee on Environmental Quality and the Assembly Committee on Natural Resources within 30 days of adopting the rule or regulation.

1 (c) *This section shall remain in effect only until January 1, 2014,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2014, deletes or extends that date.*

4 SEC. 2. *Section 41700 is added to the Health and Safety Code,*
5 *to read:*

6 41700. (a) *Except as otherwise provided in Section 41705, a*
7 *person shall not discharge from any source whatsoever quantities*
8 *of air contaminants or other material that cause injury, detriment,*
9 *nuisance, or annoyance to any considerable number of persons*
10 *or to the public, or that endanger the comfort, repose, health, or*
11 *safety of any of those persons or the public, or that cause, or have*
12 *a natural tendency to cause, injury or damage to business or*
13 *property.*

14 (b) *This section shall become operative on January 1, 2014.*